



# CODE CONNECTION

June/July 2002

## Jack Wants You to Know



We will be presenting at the BOCA-ICBO-SBCCI 2002 Joint Annual Conference in Fort Worth, Texas. Our Virginia Building Code Academy's proposal to deliver an educational presenta-

tion that has been accepted by the authorities-in-charge is scheduled. The title for our presentation is "Inspection Training That Works, Or How We learned to Read the Code: A Case Study". Members of the team delivering this presentation include Jack Proctor, Dan Gilham, David Humphrey and Scotty Berry. The focus of the presentation will be on the Code Academy's new electrical inspection training module and the use of portable training "walls" for hands-on, eyes-on teaching and learning. We have been scheduled for two sessions: Monday, September 30 from 4:00 - 5:30 p.m.; and Tuesday, October 1 from 4:00 - 5:30 p.m. You can see the presentation listed on the 2002 Conference Education Program. We hope to see you there!

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## Contractor's Licensing and Manufactured Housing

Curtis McIver, Associate Director  
DHCD-Division of Building and Fire Regulation

Over the last year or so, we have received quite a few questions regarding contractor's licenses for manufactured home installers and dealers. Since the Board for Contractors is responsible for licensing contractors, we have been working with the Board for answers to some of those questions. Some frequently asked questions are answered below. Please contact the Board for Contractors if you need additional information on any of these issues.

*Questions regarding contractor's licenses for manufactured home installers and dealers.*

**Q. What contractor's license/certificate classification would be acceptable for a dealer to perform or superintend the site work and construction associated with the installation of a manufactured home?**

Dealers and/or installers may use the specialty classification of "Modular/mobile/manufactured building contractor" (abbreviated MBC) to install manufactured homes. This classification allows the MBC contractor to install the home, including footings and foundations according to the Board for Contractors, and to do internal tie-ins of plumbing, electrical, and HVAC equipment. The "Building contractor" classification (abbreviated BLD) also can provide these contracting services.

**Q. What determines whether a dealer would need a Class C, Class B, or Class A contractor's license?** That is determined by the value of the individual contract or project or a cumulative total for all contracts during a twelve-month period. A Class C contractor's license would be required when the value of any single project or contract is over \$1,000 but no more than \$7,500 or

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# Good Things to Know

## 1. DHCD New Staff

DHCD-Division of Building and Fire Regulation has new staff in the Southwest Regional Fire Marshal's Office. Michael Yingling became the new Fire Protection Inspector on April 15, 2002. He has over five years experience as a Deputy State Fire Marshal with the Maryland State Fire Marshal's Office.

## 2. VBCOA Mid -Year Meeting

The 2002 VBCOA Mid-Year meeting was held on May 6-7, 2002 at the Doubletree Hotel in Charlottesville. The featured seminar session was on the International Residential Code 2000. DHCD staff gave a state report on the I-Code adoption process and status.

## 3. Joint Conference in Fort Worth Texas

The final action, deliberation and vote on all code proposals will occur at the BOCA, ICBO, SBCCI Joint Conference, September 29th through October 4th in Fort Worth, Texas. Final action on the 2002 code development cycle coupled with the 2002 Accumulative Supplement will be the basis for the 2003 edition of the International Codes.

## 4. Core Module and Non-Structural Plans Review Module

In previous years the Core Module of the Virginia Building Code Academy was a 5 day/40 hour session, which included information on non-structural plan review. Individuals who attended the module which included the non-structural plans review portion do not need to attend a separate non-structural plans review module for Building

Plans Examiner or Fire Protection Plans Examiner certification. For more information please contact Sharon Finan, Training and Development Coordinator at DHCD, 804-371-7185.

## 5. Code Academy Applications

Please be sure to fill out your Code Academy applications completely. The information obtained in your application is vital to acceptance into the module. It is important that we know if you are seeking certification in a particular discipline and if you have been turned down for this module in the past. We need all the information entered on the application to consider you for acceptance into a Virginia Building Code Academy module.

## 6. VBCA Instructors

If you have taught for the Virginia Building Code Academy in previ-

ous years, you are still an instructor for the VBCA and your name is still in our Instructor's Data Base. The Instructor's Data Base has not deleted any instructors' names or addresses. If you have taught for the Academy, please watch your mail for a survey from DHCD to update our files.

## 7. Adoption of International Codes

A tentative state time-line for the adoption of the new International Codes is July 2003. Watch the "Code Connection" for more information.

## 8. VBCOA web-site

Coming soon as an added feature to the VBCOA web site, [www.vbcoa.org](http://www.vbcoa.org), will be a list of training sessions available through VBCOA, it's regions and other code organizations in Virginia. Pull up the web site and get on board with training. □

### *Contractor's Licensing continued from page 1*

the total of all projects and contracts does not exceed \$150,000 for any twelve-month period. A Class B license covers single projects valued over \$7,500 but less than \$70,000 or a total of all contracts during any twelve-month period of greater than \$150,000 but less than \$500,000. A Class A license would be required for single projects in excess of \$70,000 or when the total of all contracts exceeds \$500,000 for the twelve-month period.

**Q. *Is the cost of the manufactured home included in the value of the project or contract to determine whether the license has to be a Class A, B, or C?*** If the contract between the dealer and the manu-

factured homebuyer delineates and shows clearly the costs associated with the installation, then only those costs will be used to determine the class of the contractor's license. Dealers may show those costs on a separate contract or may show the installation costs on the same contract as an itemized amount included in the total contract amount. If the installation costs are not itemized and/or delineated on the contract, then the total amount of the contract including the cost of the home will be used to determine the license classification.

If you have any questions about the Board for Contractors and the licensing requirements for contractors, please call (804) 367-8511 for assistance. □

# Help Make The Rules At The Virginia Regulatory Town Hall

*The Town Hall offers one-stop shopping on state regulations and is a free service of the Commonwealth of Virginia*

For those who follow the state rule-making process, the Virginia Regulatory Town Hall ([www.townhall.state.va.us](http://www.townhall.state.va.us)) offers a gold mine of information and interactive features. This state-run website, conceived and created by two employees of Virginia's Department of Planning and Budget, offers one-stop shopping on rulemaking issues across the Commonwealth.

The Town Hall is considered the leading online rulemaking system in the United States today. Its extensive collection of services enhances the transparency of rulemaking, facilitates public involvement, and furthers the goal of producing high quality state regulations. It also significantly reduces the costs associated with the regulatory process because management and transmission of information is automatic and paperless. Here is a run down of the Town Hall's main public features:

- ☐ **Access to documents.** You have online access to a wide range of rulemaking documents, including: texts of proposed regulations, agency background documents explaining regulatory actions, economic impact analyses, and guidance documents explaining how an agency will interpret and apply laws and regulations.
- ☐ **Regulatory docket.** You can create a report of all regulatory actions in progress.

- ☐ **Meetings calendar.** Using this online calendar, you can quickly identify all meetings that will address particular regulations. You may also access meeting agendas, as well as minutes from board meetings.
- ☐ **View public comment forums.** You can view all open comment forums on regulations in development and see what comments have been made online.

In addition, registered users can take advantage of the following special features of the Town Hall (and registration is free!):

- ☐ **E-mail notification service.** You can sign up for customized notification of regulatory actions and meetings associated with any agency, board, and regulation.
- ☐ **Participate in public comment forums.** You can view and submit comments on regulatory actions on the Town Hall's public comment forums.
- ☐ **My Town Hall.** You can create a customized list of meetings and regulatory actions that you wish to track. This feature can be used to track the implementation of legislative mandates involving regulations.

Explore the Town Hall at [www.townhall.state.va.us](http://www.townhall.state.va.us).



The Virginia Regulatory  
**Town Hall**

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## Praise for the Town Hall

The Virginia Regulatory Town Hall is online government at its best -- streamlining day-to-day work of state agencies and plugging citizens into a sophisticated, interactive set-up for "7/24" public comment, customized user profiles and request-only e-mail alerts.

Thanks to this agency's clear vision and the low-budget efforts of two computer-savvy state employees, this is a cyber-age Town Hall that may actually live up to its name. It holds out the promise of cutting some of Richmond's paperwork and red tape. More importantly, it gives Web-active citizens all over the state a simple, fee-free way to get better informed, fully heard and actively involved. It's an example of good public service that a lot of others in local and state government need to embrace.

--Forrest M. Landon, Executive Director  
Virginia Coalition for Open Government

The Town Hall makes it easy for anyone who has access to a computer to become better informed on Virginia regulations.

--Freda Wenditz, President  
League of Women Voters of Virginia

## Plumbing Inspectors Needed as Regional Instructors



Want to teach? Want to teach the plumbing inspection process? The Virginia Building Code Academy is seeking Virginia plumbing inspectors or supervisors of plumbing inspection to teach its **new** plumbing inspection-training module **in their Region**.

The combined qualifications we seek in individuals for these teaching positions include: 1) Master Plumber (Tradesman); 2) Master Inspector (Senior Inspector); and, 3) Master Instructor. In short, subject matter expertise combined with instructional expertise and competency. Adherence to the combined standards for these positions is subject to adjustment on a case-by-case basis.

Instructor training will be provided by the Virginia Building Code Academy. If interested, please let us know. Expressions of interest may be addressed to Dan Gilham, 804-371-7181, [dgilham@dhcd.state.va.us](mailto:dgilham@dhcd.state.va.us) □



# Regionalizing Code Academy Inspection Training

Code Academy inspection training is coming to a locality near you, fact or fiction? Fact. Here's the plan. The Virginia Building Code Academy (VBCA) is developing new, portable inspection training modules in concert and cooperation with some of the best subject-matter-experts in Virginia from VBCOA, VPMIA, and IAELVA. The first phase of this effort is focused on developing new portable modules that can be taught by local and regional instructors in the disciplines of plumbing, electrical, mechanical, and building inspection. The template for these modules will be based on the new plumbing inspection module piloted in Front Royal, Virginia in February 2002 and tested for portability in Abingdon, Virginia in March 2002. Each new module will describe inspection performance at the **mastery level**. Other elements in these modules will include:

1. A **one-page chart** developed through an occupational analysis (OA) that depicts in graphic form at the stage and task-level the **work breakdown structure (WBS)** for the entire end-to-end inspection process in Virginia, from initial to final inspection (**This product will answer the question: What is the job?**).
2. **Illustrated task sheets and checklists** that depict and cover task-by-task the entire inspection process as required by code in Virginia from initial to final inspection with each separate inspection task illustrated and supported by directly related

code text and references (**This product will answer the question: How to do the job?**).

3. A **PowerPoint presentation** that simulates and covers the entire end-to-end inspection process from initial to final inspection.
4. A set of portable training "walls" and training devices that can be used in the classroom by instructors and students in an interactive, eyes-on, hands-on, visual-approach to teaching and learning the inspection process.
5. A **Handbook** that incorporates the one-page work breakdown structure (WBS) chart, illustrated task sheets/check lists for all tasks (cross referenced to the directly related code text and references), a CD containing the PowerPoint presentation (simulating and covering the entire end-to-end inspection process from initial to final inspection), and an applicable **Code Check Field Guide** (electrical, plumbing, building, or mechanical). The **Handbook** will serve to empower the new Inspector as well as the experienced Inspector and Building Official with a: 1) Uniform guideline and process for conducting inspections; 2) Virginia-ized quick code references; 3) Job-aid; 4) Self-study/On-the-job training package; and, 5) Means to shorten the learning curve, speed work, and conduct accurate, comprehensive inspections.

The new inspection training modules will be available for decentralized delivery by instructors at the local and regional levels throughout Virginia.

The new modules are in various states of completion. Time-phased availability is projected as follows:

1. **Plumbing Inspection (Residential). Completed.** Available **Now**, from the Virginia Building Code Academy. Ready for decentralized delivery at the local and regional levels by qualified instructors.
2. **Electrical Inspection (Residential). Near completion.** Projected to be available and ready for decentralized delivery at the local and regional levels by qualified instructors by **September 2002**.
3. **Building Inspection (Residential).** In process. Projected to be available and ready for decentralized delivery at the local and regional levels by qualified instructors by **November 2002**.
4. **Mechanical Inspection (Residential).** In process. Projected to be available and ready for decentralized delivery at the local and regional levels by qualified instructors by **March 2003**.

Determinations as to how to handle modules for the commercial aspects of inspection will be addressed in a phase two effort. Initial priority has been given to completing the residential inspection modules as having the most widely distributed need throughout Virginia. Preliminary indications are that the plumbing module can address the commercial inspection segment in one additional day. Electrical indicators point to adding one day for commercial (which could be a separate module, portable and available based

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# Attorney General's Opinion

On March 26, 2002, Bill Shelton, Director of the Department of Housing and Community Development, requested an opinion from the state Attorney General on whether a municipality has the authority to enforce the Statewide Fire Prevention Code on state property, including buildings, structures and premises, if an agreement has not been entered into with the State Fire Marshal or the Director of the Department of Housing and Community Development for the enforcement of the Code. And also whether a municipality has authority to enforce the Uniform Statewide Building Code on state property if such authority has not been delegated by the state building official.

Below is a reprint of Attorney General Kilgore's opinion.

You inquire regarding the authority of a municipality to enforce the Statewide Fire Prevention Code at a state university. You first ask whether a municipality has authority to enforce the Fire Prevention Code on state property, including buildings, structures and premises, if an agreement has not been entered into with the State Fire Marshal pursuant to 27-99, or the Director of the Department of Housing and Community Development pursuant to 36-139.4, for the enforcement of the Code. You also ask whether a municipality has authority to enforce the Uniform Statewide Building Code on state property if such authority has not been delegated by the state building official pursuant to 36-98.1.

## Response

I respond by stating it is my opinion that, absent agreements with appropriate agencies, a municipality has no authority to enforce the Statewide Fire Prevention Code on state property, and localities have no authority to enforce the Uniform Statewide Building Code

against the Commonwealth through their building inspectors.

## Fact

You advise that a municipality has sought to apply various provisions, including permitting requirements of the Statewide Fire Prevention Code, to open burning in the form of bonfires taking place on the campus of a state university located within the municipality. In addition, you advise that the municipality has required the state university to obtain a permit before proceeding with a tar pot for a roofing project. For the purposes of this opinion, I assume that the permit is a building permit required by local ordinance of the municipality.

## Applicable Authorities

Section 27-99 provides:

The Fire Prevention Code shall be applicable to all state-owned buildings and structures. Every agency, commission or institution, including all institutions of higher education, of the Commonwealth shall permit, at all reasonable hours, a local fire official reasonable access to existing structures or a structure under construction or renovation, for the purposes of performing an informational and advisory fire safety inspection. The local fire official may submit, subsequent to performing such inspection, his findings and recommendations including a list of corrective actions necessary to ensure that such structure is reasonably safe from the hazards of fire to the appropriate official of such agency, commission, or institution and the State Fire Marshal. Such agency, commission or institution shall notify, within sixty days of receipt of such findings and recommendations, the State Fire Marshal and the local fire official of the corrective measures taken to eliminate the hazards reported by the local fire official. The State Fire Marshal shall have the same

power in the enforcement of this section as is provided for in 27-98.

The State Fire Marshal may enter into an agreement as is provided for in 36-139.4 with any local enforcement agency that enforces the Fire Prevention Code to enforce this section and to take immediate enforcement action upon verification of a complaint of an imminent hazard such as a chained or blocked exit door, improper storage of flammable liquids, use of decorative materials and overcrowding.

Section 36-139:4 provides:

The Department [of Housing and Community Development] is hereby authorized to enter into agreements with federal agencies, other state agencies and political subdivisions for services directly related to enforcement and administration of laws, rules, or regulations, or ordinances of such agencies affecting fire safety in public buildings.

Section 36-98.1 provides, in part:

The Building Code shall be applicable to all state-owned buildings and structures, with the exception that [2.2-1159] through [2.2-1161] shall provide the standards for ready access to and use of state-owned buildings by the physically handicapped.

Acting through the Division of Engineering and Buildings, the Department of General Services shall function as the building official for state-owned buildings. The Department ....shall provide for the inspection of state-owned buildings and enforcement of the Building Code and standards for access by the physically handicapped by delegating inspection and Building Code enforcement duties to the State Fire Marshal's Office, to other appropriate state agencies having needed expertise; and to local building

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# Virginia State Building Code Technical Review Board Interpretations

## Interpretation Number 16/96

Code: Virginia Uniform Statewide Building Code (USBC)

Section No (s): 123.0, 124.0, 125.0, BOCA National Property Maintenance Code/ 1996 PM-303.7, PM -306.0, PM-307.0, PM-405.5, PM-703.0 and PM-705.5.

**Question #1:** Are all fences regulated under the maintenance provisions (Parts I and III) of the USBC?

Answer: Yes.

**Question #2:** Are the provisions of Section PM-306.0 (Rubbish and Garbage), PM-307.0 (Extermination) and PM-703.0 (Accumulations and Storage) within the scope of Parts I and III of the USBC?

Answer: Yes.

**Question #3:** Are the provisions of Section PM-405.5 (Overcrowding) applicable to both pre-USBC and post-USBC structures (Section 124.2 and 124.2.1)?

Answer: Yes.

**Question #4:** Are the provisions of Section PM- 705.5 (Smoke detectors) applicable to both pre-USBC and post-USBC structures (Section 124.2 and 124.2.1)?

Answer: No.

**Comment:** However, smoke detectors may be required in accordance with the code under which such structures were constructed or in accordance with Section 3402.0 ("retrofit" requirements) of the USBC.

This official Interpretation was issued by the State Building Code Technical Review Board at its April 19, 2002 meeting.

*Attorney General's Opinion  
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departments, all of which shall provide such assistance within a reasonable time and in the manner requested.

## Discussion

The long-followed Dillon Rule requires a narrow construction of all powers conferred upon and exercised by local government in Virginia, because such powers are delegated powers.<sup>1</sup> Thus, "municipal corporations have only those powers that are expressly granted, those necessary or fairly implied from expressly granted powers, and those that are essential and indispensable."<sup>2</sup>

A basic rule of statutory construction requires that, where there is no ambiguity in a statute, the statute is not to be construed but is to be given effect in accordance with its plain meaning and intent.<sup>3</sup> Sections 27-99 and 36-139.4 clearly and unambiguously pro-

vide that, unless the State Fire Marshal, or the Director of the Department of Housing and Community Development, has entered into an agreement with the municipality to enforce the Fire Prevention Code, the municipality is limited to performing informational, advisory and safety inspections of state buildings at reasonable hours. No language in either statute authorizes a municipality to enforce the Code on state premises.

## Conclusion

Therefore, it is my opinion that a municipality has no authority to enforce the Statewide Fire Prevention Code on state property, including buildings, structures and premises, if an agreement has not been entered into with the State Fire Marshal pursuant to 27-99, or the Director of the Department of Housing and Community Development pursuant to 36-139.4, for the enforcement of the Code. A 1975 opinion of the Attorney

General responds to the inquiry whether a municipality has authority to enforce the Uniform Statewide Building Code on state property if the building official has not delegated such authority pursuant to 36-98.1.<sup>4</sup> The opinion concludes that localities have no authority to enforce the Building Code against the Commonwealth through their building inspectors.<sup>5</sup> I concur with the conclusion of the 1975 opinion. □

<sup>1</sup> 1973-1974 Op. VA. Att'y Gen. 101, 102

<sup>2</sup> City of Chesapeake v. Gardner Enterprises, 253 VA. 243, 246, 482, S.E. 2d 812, 814 (1997); 1998 Op. Va. Att'y Gen. 13, 14.

<sup>3</sup> See Harward v. Commonwealth, 229 Va. 363, 368, 330 S. E.2d 89 (1985) (Russell, J., dissenting); Ambrogio v. Koontz, 224 Va. 381, 386, 297 S. E.2d 660, 662 (1982); Portsmouth v. Chesapeake, 205 Va 259, 269, 136 S. E.2d 817, 825 (1964); 1996 Op. va. Att'y Gen. 152, 153.

<sup>4</sup> 1975-1976 Op. VA. Att'y Gen. 400, 401.

<sup>5</sup> Id. at 402



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**We're on the Web:**  
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## Code Connection Subscription

"Code Connection" is published by the Department of Housing and Community Development. The purpose of the publication is to keep interested parties aware of events on the state and local levels. The newsletter addresses training schedules, interpretations by the Technical Review Board, and articles of interest to building and fire-prevention professionals.

"Code Connection" may be sent to you for a yearly subscription of \$12. Please make checks payable to: Treasurer of Virginia and mail to: DHCD, Training and Certification Office, 501 North Second Street, Richmond, VA 23219.

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*Regionalizing VBCA Inspection Training  
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on local/regional needs). The mechanical subject-matter experts indicate that "gas piping and other elements in the gas inspection area" may need a separate module. Other technical modules to be looked at for redesign and development in phase two of this effort include Property Maintenance, Amusement Device Inspection, and Elevator Inspection. The Virginia Building Code Academy

is dedicated to developing highly effective, inspector-empowering training modules that can be delivered on a decentralized basis by local and regional instructors. Enabling the decentralized delivery of inspection training fulfills a Code Academy goal of providing "just-in-time" training for new inspectors. Achievement of this goal is well underway. The resultant end-products will constitute a quantum leap forward in the capability of Virginia to train its code enforcement

personnel at the local and regional levels. Moreover, providing "just-in-time" training for new inspectors as they come on board will advance and enhance, through more timely and uniform training, the health, safety and welfare of our ultimate customers, the Citizens of Virginia.

Questions related to this initiative may be addressed to Dan Gilham, 804-371-7181, [dgilham@dhcd.state.va.us](mailto:dgilham@dhcd.state.va.us). □